



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,743	03/19/2001	Philip J. Busardo	7000-058	8859

27820 7590 08/08/2005

WITHROW & TERRANOVA, P.L.L.C.  
P.O. BOX 1287  
CARY, NC 27512

EXAMINER
----------

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
----------	--------------

2646

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/811,743

Applicant(s)

BUSARDO, PHILIP J.

Examiner

Jefferey F. Harold

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-9, 11-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-9, 11-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 3-9, 11-13, and 15-18*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo (United States Patent 6,714,637), in view of Chen (United States Patent Application Publication 2002/0094076).

Regarding **claim 3**, Kredo and Chen disclose everything claim as applied (see claim 5), in addition Kredo discloses sending the audio file to the telephony device, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 4**, Kredo and Chen disclose everything claimed as applied above (see claim 3), in addition, Kredo inherently encodes the audio file using a compression algorithm prior to sending the audio file to the telephony device.

Regarding **claim 5**, Kredo discloses a customer programmable caller ID alerting indicator. In addition, Kredo discloses a method to provide for caller identification using telephony ring signals comprising: a) receiving, at an application server in a communications network, a telephone number of an expected caller; b) receiving identification of an audio file to play as the telephony ring signal at a telephony device for an incoming call originating from the expected caller; c) creating indicia associating the telephone number of the expected caller with the audio file; and d) sending the

indicia associating the telephone number of the expected caller with the audio file from the application server to the telephony device, wherein the telephony device play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller and wherein the indicia associating the telephone number of the expected caller with the audio file includes a location of the audio file, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3, however, Kredo fails to disclose playing the audio file independently of whether the telephony device for the incoming call is involved in an ongoing call. However, the examiner maintains that it was well known in the art to provide playing the audio file independently of whether the telephony device for the incoming call is involved in an ongoing call, as taught by Chen.

In a similar field of endeavor Chen discloses telephone caller identification control. In addition, Chen discloses playing the audio file independently of whether the telephony device for the incoming call is involved in an ongoing call, as disclosed in the abstract, paragraph [0061] through paragraph [0075] and exhibited in figure 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kredo by specifically providing playing the audio file independently of whether the telephony device for the incoming call is involved in an ongoing call, as taught by Chen, for the purpose of relieving the telephone user of having to walk to a device to visually interpret the ID data.

Regarding **claim 6**, Kredo and Chen disclose everything claimed as applied above (see claim 5), in addition, Kredo discloses a) receiving second telephone number of a second expected caller; and b) retrieving identification of a second audio file to play

as the telephony ring signal for an incoming call originating from the second expected caller. wherein the creating step further creates the indicia to associate the second telephone number of the second expected caller with the second audio file, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claim 7**, Kredo and Chen disclose everything claimed as applied above (see claim 5), in addition, Kredo discloses wherein the indicia associating the telephone number of the expected caller with the audio file comprises a file readable by the telephony device, as disclosed at column 2, line 24 through column 4, line 26 and exhibited in figures 1-3.

Regarding **claims 8, 9, 11-13, and 15-18**, Kredo discloses everything claimed as disclosed above, in addition, Kredo discloses WWW and VOIP in column 4, line 31 through column 5, line 60, therefore **claims 8, 9, 11-13, and 15-18** are interpreted and thus rejected for the reason set forth above.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 3-9, 11-13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

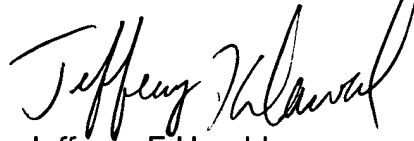
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
July 26, 2005



Jefferey F Harold  
Primary Examiner  
Art Unit 2646